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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CORECIVIC, INC.,

Plaintiff,

v.

CANDIDE GROUP, LLC and MORGAN
SIMON,

Defendants.

CASE NO: 3:20-cv-03792-WHA

ASSIGNED TO: Judge William Alsup

**NOTICE OF SUPPLEMENTAL
AUTHORITY REGARDING
PLAINTIFF'S UNOPPOSED MOTION TO
STAY DETERMINATION OF
ATTORNEYS' FEES PENDING
RESOLUTION OF PENDING APPEAL**

FILE DATE (Central District): March 4, 2020
FILE DATE (Northern District): July 7, 2020
TRIAL DATE SET: No Date Set

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1 Plaintiff CoreCivic, Inc. respectfully files this Notice of Supplemental Authority to direct
 2 the Court's attention to the attached Order of Judge Maxine M. Chesney, issued on August 27, 2021
 3 in the case of *Planet Aid, Inc. v. Reveal, Center for Investigative Reporting*, No. 17-cv-03695-MMC
 4 (N.D. Cal. Aug. 27, 2021) (slip op.) (attached as an **Exhibit** hereto), which is relevant to
 5 CoreCivic's pending, unopposed Motion to Stay Determination of Attorneys' Fees Pending
 6 Resolution of Pending Appeal.¹

7 In *Planet Aid*—like in this case—the district court granted the defendants' Special Motion
 8 to Strike under California's Anti-SLAPP Statute, the plaintiffs appealed, and the defendants moved
 9 for an award of attorneys' fees under California's Anti-SLAPP Statute. (Slip op. at 1-2.) Like this
 10 Court, Judge Chesney recognized that "after the Supreme Court's ruling in *Shady Grove*
 11 *Orthopedic Associations, P.A. v. Allstate Insurance Co.*, 559 U.S. 393 (2010), the majority of
 12 circuits to have addressed the applicability of state anti-SLAPP statutes in federal court have held
 13 such statutes inapplicable," and "several Ninth Circuit judges, subsequent to *Shady Grove*, have
 14 opined that" the Ninth Circuit's prior caselaw holding California's Anti-SLAPP Statute applicable
 15 in federal court "should be reconsidered." (Slip op. at 3.) As such, Judge Chesney recognized that
 16 the plaintiffs made a "substantial showing ... as to the potential for reversal of the judgment on
 17 which defendants' entitlement to fees is predicated," and "DEFERRED" "ruling on defendants'
 18 Motion for Attorneys' Fees and Costs ... pending the Ninth Circuit's determination as to whether
 19 California's anti-SLAPP statute applies in federal court." (Slip op. at 4-5.)

20 For the reasons explained in CoreCivic's Stay Motion, Defendants' Statement of Non-
 21 Opposition thereto, and Judge Chesney's well-reasoned opinion attached hereto, the Court
 22 should—consistent with its Fee Order and the Parties' Joint Stipulation—stay the determination of
 23 what, if any, fees Defendants are entitled to pending resolution of CoreCivic's pending appeal
 24 (Appeal No. 20-17285).

25
 26 ¹ See Pl.'s Mot. to Stay Determination of Attorneys' Fees Pending Resolution of Pending Appeal
 27 (Aug. 9, 2021) [Dkt. 99]; Defs.' Statement of Non-Opposition to Mot. to Stay Determination of
 28 Attorneys' Fees Pending Resolution of Pending Appeal (Aug. 19 2021) [Dkt. 100] (agreeing that
 "a stay would facilitate judicial efficiency and conserve the Courts' and the parties' resources by
 avoiding duplication of work").

August 9, 2021

NEWMAYER & DILLION LLP

CLARE LOCKE LLP

By: /s/ Michael B. McClellan
Michael B. McClellan

By: /s/ Elizabeth M. Locke, P.C.
Elizabeth M. Locke, P.C. (*pro hac vice*; VA Bar 71784)

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FILER ATTESTATION

In accordance of Civil L.R. 5-1(i)(3), I hereby certify that I have authorization to file this document from the signatories above.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct. Executed on this 30th day of August, 2021 at Alexandria, Virginia.

/s/ Elizabeth M. Locke, P.C.
Elizabeth M. Locke, P.C.

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